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OFFICE OF PETITIONS

In re Application of
Park, et al.
Application No. 09/728,117
Deposited: December 4, 2000
Attorney Docket No. 101190-00010
For: MULTI-CHANNELED LOOP HEAT
TRANSFER DEVICE WITH HIGH EFFICIENCY
FINS

DECISION GRANTING
PETITION

This is a decision on the reconsideration petition under 37 CFR 1.53(e), filed September 29, 2003.

The application was deposited on December 4, 2000. On February 15, 2001, the Office of Initial Patent Examination mailed a Notice informing petitioners that a filing date had not been accorded to the application papers deposited on December 4, 2000 because the specification and drawings were missing.

Petitioners request that the application be accorded a filing date of December 4, 2000 on the basis that a specification, including claims, and drawings were received in the Patent and Trademark Office (PTO) on December 4, 2000. In support, the petition is accompanied by a copy of applicants' itemized postcard receipt showing an Office of Initial Patent Examination date stamp citing December 4, 2000 as the date of receipt. The postcard lists, *inter alia*, that the filing included 35 pages of new application, \$395 in fees, a small entity declaration, an assignment, a declaration, a priority document, and 17 pages of drawings.

The copy of the postcard receipt submitted by petitioners does not contain an annotation that any of the initial filing was missing. This means that the initial reviewer found the initial filing matched what was listed on the postcard receipt. A review of the original transmittal page found in the application file reveals that there is an Office stamp affixed thereto that states "The PTO did not receive specification, claims, and drawings." The Office stamp on the transmittal page was affixed after the initial reviewer found the initial filing matched what was listed on the postcard receipt. Petitioners have provided a statement that the 35 pages of application listed on the postcard are English language specification and claims, not a Korean language specification and claims. While the postcard receipt is not sufficiently detailed with respect to the specification and claims, the preponderance of the evidence points to the conclusion that 35 pages of English language

application and 17 pages of drawings were received in the Office on December 4, 2000 and then subsequently misplaced.

Accordingly, the request is **GRANTED**.

Regarding finances, petitioners paid the \$355 basic filing fee on December 4, 2000. The Office retained a \$130 processing fee and refunded \$225 on May 29, 2003. Petitioners have shown that the application was complete upon filing. Thus, the \$130 processing fee will be applied towards the \$355 basic filing fee. Pursuant to petitioners' authorization, deposit account no. 01-2300 will be charged \$225, which is the balanced owed for the basic filing fee. No petition fee has been or will be charged in connection with this matter.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of **December 4, 2000**, using the 35 pages of specification and claims and the 17 pages of drawings resubmitted with the initial petition on August 20, 2003. OIPE will mail a filing receipt in due course.

Any inquiries pertaining to this matter may be directed to the undersigned at (703) 308-6712.



E. Shirene Willis
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for Patent Examination Policy